



2663  
4/14/02  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stanley, *et al.*  
Application Serial No.: 10/073,098  
Filed: 02/12/02

COPY OF PAPERS  
ORIGINALLY FILED

For: System and Method for Improved Data Transmission Speed by Fixing the Lower Corner Frequency at a Frequency Above Voice Band in a Symmetric DSL Transmission System

Assistant Commissioner for patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
**(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above-identified:

application,  
 patent

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APR 29 2002  
Technology Center 26c

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following attorneys are hereby appointed to prosecute and transact all business in the Patent and Trademark Office therewith:

From THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.: George M. Thomas, Reg. No. 22,260; James W. Kayden, Reg. No. 31,532; Scott A. Horstemeyer, Reg. No. 34,183; Stephen R. Risley, Reg. No. 35,659; Jeffrey R. Kuester, Reg. No. 34,367; Daniel R. McClure, Reg. No. 38,962; Daniel J. Santos, Reg. No. 40,158; Dan R. Gresham, Reg. No. 41,805; J. Scott Culpepper, Reg. No. 41,692; Michael J. Tempel, Reg. No. 41,344; David R. Risley, Reg. No. 39,345; David L. Berdan, Reg. No. 41,614; Jon E. Holland, Reg. No. 41,077; Ann I. Dennen, Reg. No. 44,651; M. Paul Qualey, Reg. No. 43,024; Robert P. Biddle, Reg. No. 35,826; Jennifer M. Gruber, Reg. No. 42,601; Peter A. Nieves, Reg. No. 48,173; William F. Heinze, Reg. No. 36,161; Raymond W. Armentrout, Reg. No. 45,866; Robert A. Blaha, Reg. No. 43,502; Cynthia J. Lee, Reg. No. 46,033; N. Andrew Crain, Reg. No. 45,442; Robert B. Dulaney III, Reg. No. 47,539; Christopher B. Linder, Ph.D., Reg. No. 47,751; Adam E. Crall, Reg. No. 46,646; Edwina T. Washington, Reg. No. 43,187; Scott M. Lohnes, Reg. No. 45,451; Sami O. Malas, Reg. No. 44,893; David Rodack, Reg. 47,034; Troy VanAacken, Reg. No. P50,847; Charles W. Griggers, Reg. No. 47,283; Robert E. Stachler II, Reg. No. 36,934; David P. Kelley, Reg. No. 17,420; Eric M. Ringer, Reg. No. 47,028; and Charles E. Thorpe, Jr., Reg. No. 48,782.

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 16, 2002.

*Julie Campbell*

Direct correspondence and telephone calls to:

**Scott A. Horstemeyer; Reg. No. 34,183**

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

100 Galleria Parkway, Suite 1750

Atlanta, Georgia 30339

770-933-9500

**ASSIGNEE OF ENTIRE INTEREST**

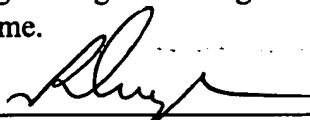
**ELASTICS NETWORKS, INC.**

6120 Windward Parkway, Suite 100

Alpharetta, Georgia 30005

**ASSIGNEE CERTIFICATION**

The certification under 37 C.F.R. §3.73(b) establishing the right of assignee to take action is attached hereto along with documentation evidencing same.



Patrick Murphy  
Treasurer and Secretary

Date: \_\_\_\_\_

**MAR 29 2002**

Docket No.: 61607-1700



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Stanley, *et al.*  
Application Serial No.: 10/073,098  
Filed: 02/12/02

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For: System and Method for Improved Data Transmission Speed by Fixing the Lower Corner Frequency at a Frequency Above Voice Band in a Symmetric DSL Transmission System

Assistant Commissioner for patents  
Washington, D.C. 20231

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

**IDENTIFICATION OF ASSIGNEE**

2. The assignee of this matter is:

**ELASTICS NETWORKS, INC.**  
6120 Windward Parkway, Suite 100  
Alpharetta, Georgia 30005

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Technology Center 2600

**PERSON AUTHORIZED TO SIGN**

3. Scott A. Horstemeyer  
Attorney for Assignee

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231, on

*April 16, 2002*

*John Campbell*

4. A chain of title from the inventor(s) to the current assignee is shown below:

a. From: Patrick H. Stanley, Robert K. Fahler, David E. Walford,  
Richard T. Causey, and Clinton F. Earnest  
To: Elastic Networks, Inc.  
Recorded in PTO: See Exhibit A evidencing assignment that  
has already been filed. No Reel and Frame has been assigned as of yet.

### **DECLARATIONS**

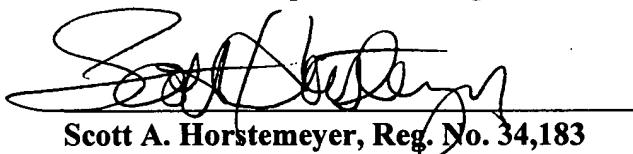
5. I, the undersigned, have reviewed all the documents in the chain of title of the

application  
 patent

matter identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

6. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7. I, the person signing below, aver that I am empowered to sign this statement on behalf of the assignee.



\_\_\_\_\_  
Scott A. Horstemeyer, Reg. No. 34,183

Tel. No. 770-933-9500

Customer No.: 24504

Docket No. 61607-1700

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948

APR 24 2002

RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Honorable Commissioner for Patents: Please record the attached original document(s) or copy(ies) thereof.

## 1. Name of Conveying Party(ies):

COPY OF PAPERS  
ORIGINALLY FILED  
Patrick H. STANLEY  
Robert K. FAHLERDavid E. WALFORD  
Richard T. CAUSEY

Clinton F. EARNEST

Additional name(s) of conveying party(ies) attached?  Yes  No

## 2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: Elastic Networks, Inc.

Name:

Address: 6120 Windward Parkway, Suite 100  
Alpharetta, GA 30005

Address:

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APR 29 2002

Technology Center 260

Country: United States

Country:

Additional name(s) and address(es) attached?  Yes  No

## 3. Nature of Conveyance:

 Assignment Merger Change of Name Verified Translation Security Agreement Other: \_\_\_\_\_

Execution Date: 2-8-2002

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: \_\_\_\_\_

A. Patent Application No(s):

10/073,098

B. Patent No(s):

10/073,098

Others on additional sheet(s) attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Brian M. Buroker  
Intellectual Property Department  
Hunton & Williams  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006-1109  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)

## 6. Total number of applications and patents involved:

Application(s): 1

+ Patent(s): \_\_\_\_\_

= Total: 1

## 7. Total Fee (37 C.F.R. § 3.41) .... \$ 40.00

 Enclosed Authorized to be charged to Deposit Account

## 8. Deposit Account No.: 50-0206

(Duplicate copy of this sheet attached)

 Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

## 9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

BRIAN M. BURKER

Name of Person Signing

Brian Buroker

Signature

March 18, 2002

Date

Total number of pages including cover sheet, attachments, and document:

Exhibit "A"

ASSIGNMENT

WHEREAS, We, **Patrick H. STANLEY**, a citizen of the United States of America, residing at 144 Roberts Road, Suwanee, Georgia 30024; **David E. WALFORD**, a citizen of Canada, residing at 7404 Jefferson Court, Alpharetta, Georgia; **Clinton F. EARNEST**, a citizen of United States of America, residing at 1015 Hicksmil Drive, Marietta, Georgia 30060; **Robert K. Fahler**, a citizen of the United States of America, residing at 2001 Kingsley Circle, Alpharetta, Georgia 30022; and **Richard T. CAUSEY**, a citizen of the United States of America, residing at 6208 Parkview Lane, Alpharetta, Georgia 30005 ("Assignor"), have invented certain new and useful improvements in and to the subject matter of:

**SYSTEM AND METHOD FOR IMPROVED DATA TRANSMISSION SPEED BY  
FIXING THE LOWER CORNER FREQUENCY AT A FREQUENCY ABOVE VOICE  
BAND IN A SYMMETRIC DSL TRANSMISSION SYSTEM**

described in an application for United States Letters Patent being executed simultaneously herewith;

AND WHEREAS, **ELASTIC NETWORKS, INC.** ("Assignee"), a corporation organized under the laws of Georgia, having a place of business at 6120 Windward Parkway, Suite 100, Alpharetta, GA 30005, is desirous of acquiring certain rights to the improvement and under the application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) or the equivalent thereof, and other good and valuable consideration, receipt of which is hereby acknowledged, we do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, our entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said improvements, said United States application, any other United States applications, including provisional, divisional, renewal, substitute, continuation, reexamination and reissue applications, based in whole or in part on said United States application or in whole or in part on said improvements, any foreign applications, including international and regional applications, based in whole or in part on any of the aforesaid United States applications or in whole or in part on said improvements, and in and to any and all letters patent, including extensions thereof, of any country which have been or may be granted on any of the aforesaid applications or on said improvements or any parts thereof;

AND WE hereby authorize and request our agents, Hunton & Williams, whose address is 1900 K Street, Suite 1200, Washington, DC 20006-1109, to insert hereon any identification necessary or desirable for recordation of this document, including the filing date and application number of said application when known.

AND WE hereby agree for ourselves and our heirs, executors and administrators to execute without further consideration any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-referenced application or in the preparation or prosecution of any continuing, substitute, divisional, renewal, reexamination or

reissue application or in any amendments, extensions or interference proceedings, or other applications for patents of any region or country, that may be necessary to secure to ASSIGNEE its interest and title in and to said improvements or any parts thereof, and in and to said several patents or any of them;

AND WE hereby covenant for ourselves and our legal representatives, and agree with said ASSIGNEE, its successors and assigns, that we have granted no right or license to make, use, sell or offer to sell said improvements, to anyone except said ASSIGNEE, that prior to the execution of this deed, our right, title and interest in said improvements had not been otherwise encumbered, and that we have not and will not execute any instrument in conflict therewith;

AND WE do hereby authorize and request the United States Commissioner for Patents to issue any and all letters patent which may be granted upon said United States applications, or upon said improvements or any parts thereof when granted, to said ASSIGNEE.

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

2/8/02  
Date

Date

Patrick H. STANLEY

County of \_\_\_\_\_ )  
State of \_\_\_\_\_ ) ss:

On this 8<sup>TH</sup> day of FEBRUARY, 2002, before me a Notary Public in and for the County and State aforesaid, personally appeared Patrick H. Stanley, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)

---

## Notary Public

## My Commission Expires

Feb 8 2002

Date

D. Walford

David E. WALFORD

County of )

) ss:

State of )

On this 8<sup>th</sup> day of February, 2002, before me a Notary Public in and for the County and State aforesaid, personally appeared David E. Walford, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)

Notary Public

My Commission Expires \_\_\_\_\_

2/8/02  
Date

Clinton F. Ernest  
Clinton F. EARNEST

County of )  
                  ) ss:  
State of      )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in  
and for the County and State aforesaid, personally appeared Clinton F. Ernest, to me known and  
known to me to be the person of that name, who signed and sealed the foregoing instrument, and  
acknowledged the same to be of his free act and deed.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

2/8/2002

Date

Robert Keith Fahler  
Robert K. FAHLER

County of \_\_\_\_\_ )  
State of \_\_\_\_\_ ) ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in  
and for the County and State aforesaid, personally appeared Robert K. Fahler, to me known and  
known to me to be the person of that name, who signed and sealed the foregoing instrument, and  
acknowledged the same to be of his free act and deed.

(SEAL)

---

## Notary Public

## My Commission Expires

2/8/02  
Date

Richard T. CAUSEY

County of )  
                  ) ss:  
State of      )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me a Notary Public in  
and for the County and State aforesaid, personally appeared Richard T. Causey, to me known  
and known to me to be the person of that name, who signed and sealed the foregoing instrument,  
and acknowledged the same to be of his free act and deed.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_